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10/569,782	02/24/2006	Norbert Lobig	0119010-00128	6009
29177 7590 01/15/2009 BELI., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
EBRAHIM, ANEZ C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/569,782

Applicant(s)

LOBIG, NORBERT

Examiner

ANEZ EBRAHIM

Art Unit

4144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date 2/24/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 12-22 have been examined and are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by US PG Publication 20040042485 A1 Gettala et al (here in after "Gettala").

As per claim 12, Gettala teaches a method for controlling a communication gateway having a plurality of lines (*Fig 1 link a and link b*) via a

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first peripheral device (*Fig 1, Box 107, signaling node A*) and a second peripheral device (*Fig 1, Box 108, signaling node B*), comprising:

registering for a first packet-based signaling connection with the first device by the gateway (*Para [0021], media gateway registers in the media gateway controller through the primary link Link A*), wherein the first connection is active in switching terms for all of the lines (*Fig 1, link A is the active link from media gateway 101 to media gateway controller 102*);

registering for a second packet based signaling connection with the second device by the gateway wherein the second connection is not active (*Para [0027], when there is failure in the active link gateway switched through the standby link or link B*), wherein the lines are selected from the group consisting of: subscriber lines, trunk lines, (*Para [0035], ISDN lines and SS7 trunk lines*) and combinations thereof, whereby the non-accessibility or non-operability of the lines is minimized during a switchover from the first device to the second device (*Para[0013], when a link fails it switch over to backup link in reliable connection method*).

As per claim 19, Gettala teaches the method according to claim 12, wherein the gateway is selected from the group consisting of: a trunk gateway, access gateway, and a media gateway (*Fig 1, Box 101, Media gateway, is also a trunk gateway or access gateway which connects PSTN to*

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VoIP).

As per claim 20, Gettala teaches method according to claim 12, wherein the gateway receives a message on the second connection to indicate a switchover to the second device (*Para [0028], The switchover request is acknowledged and acted upon by an activation message sent from the link B which is the secondary link*).

As per claim 21, Gettala teaches the method according to claim 20, wherein the message is a standard-compliant message that is used exclusively for a switchover (*Para [0027], H.248 signaling messages used for informing the access gateway and media gateway controller*), and wherein the gateway evaluates the message as a switchover (*Para[0028], media gateway 101 receives the signal from the link and switch the link to stand by link*).

As per claim 22, Gettala teaches the method according to claim 12, wherein a reliability of the linking of the gateway is increased by exchanging cyclical test messages between the gateway and the devices via a corresponding operator alerting (*Para[0014], ICMP echo and reply messages is used for the link integrity and test messages*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 13-15, are rejected under 35 U.S.C. 103(a) as being anticipated by Gettala, and further in view of US Patent 7065041 B2 Sen (here in after "Sen").

As per claim 13, Gettala does not teach but Sen teaches the method according to claim 12, wherein each device has a different Internet Protocol (IP) address (*Fig 1, Media Gateway Controller 24 has two different IP address connecting to two media gateways gateway 16 and gateway 18 which are located in two different IP network*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the system of Gettala by wherein each device has a different Internet Protocol (IP) address, as suggested by Sen. This modification would benefit the system of Gettala for resilient path identification using IP address identification (*Column 2, line 39-42*)

As per claim 14, combination of Gettala and Sen teaches a method according to claim 13, combination also teaches wherein the devices are mutually redundant (*Gettala, Para[0017], Media Gateway Control is couple to the gateway for redundant call signalling*).

As per claim 15, combination of Gettala and Sen teaches a method according to claim 14, wherein the devices are arranged within a Media Gateway Controller (MGC) (Gettala, *Fig 1, Signaling node A and signaling node B are arranged in the media gateway controller Box 102*).

4. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being anticipated Gettala, and further in view of US Patent US 6775255 B2 ,Roy (here in after "Roy").

As per claim 16, Gettala does not teach but Roy teaches the method according to claim 12, wherein registrations occur during power-on of the gateway (*Column 31, line 31-33, registration of the mobile device occurs during the power-up sequence mobile device and gateway is an IP device in a IP network*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the system of Gettala by wherein registrations occur during power-on of the gateway, as suggested by Roy. This modification would benefit the system of Gettala for an IP device to register locally when the system in power on (Abstract, line 8-10)

As per claim 17, combination of Gettala and Roy teaches the method according to claim 16, combination also teaches wherein the registrations are substantially simultaneous (*Sen, Fig 22a, Box 2202 a fixed terminal and mobile entity 2204 can be register with home gatekeeper GK1*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the system of Gettala by wherein the registrations are substantially simultaneous, as suggested by Roy. This modification would benefit the system of Gettala for an IP device to register locally when the system in power on (Abstract, line 8-10)

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being anticipated Gettala, and further in view of US Patent US 6891833 B1, Caves et al (here in after "Caves").

As per claim 18, Gettala does not teach but Caves teaches the method according to claim 12, wherein a load sharing operation is provided by the signaling connection for each port (*Column 5, line 3-7, for load sharing operation between node 21 and node 22 per each between two nodes using signaling connection*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention, to modify the system of Gettala by wherein a load sharing

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operation is provided by the signaling connection for each port, as suggested by Caves. This modification would benefit the system of Gattala for Sharing the aggregated traffic between two device located in an IP network (*Column 2, line 62-65*)

Conclusion

9. Prior arts made of record, not relied upon: US Patent US 6614781 B1; US 6856676 B1; US Patent Publication US 2008/0002669 A1;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANEZ EBRAHIM whose telephone number is (571)270-7153. The examiner can normally be reached on M-F 8 AM to 5 PM If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ACE/

/Taghi T. Arani/

Supervisory Patent Examiner, Art Unit 4144